

City of Santa Monica, California
Municipal Code of Ordinances
Article 7: Public Works

Chapter 7.10 URBAN RUNOFF POLLUTION

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7.10.010 Findings.

The City Council finds and declares:

(a) The City of Santa Monica's storm and surface water drainage system is planned, designed and operated to handle storm water runoff flows from public and private properties. In order to function effectively, this system requires all private connections to it to be properly constructed, maintained and operated.

(b) Storm water runoff flows from individual properties onto the streets, then through storm drains to the beaches. It is therefore in the public interest to ensure that both public and private drainage systems are properly maintained, in order to facilitate the proper functioning of the City's storm and surface water drainage system, and to prevent pollutants from entering Santa Monica Bay.

(c) The City of Santa Monica is a co-permittee under the Los Angeles County National Pollutant Discharge Elimination System (NPDES) Municipal Permit and as such is obligated to implement Best Management Practice ("BMP") procedures to prevent and control the entry of pollutants and nonstorm water runoff into the City storm drain system.

(d) The most significant pollutants in urban runoff come from particulates and oil and grease.

(e) In order to better control the quantity and quality of urban runoff pollution, an active program requiring existing properties to adopt "good housekeeping" practices is essential.

(f) In order to reduce runoff contamination and runoff volume from private and publicly owned properties which will be newly developed, substantially rehabilitated or redeveloped in the future, a program ensuring that new developments incorporate design elements which facilitate such control is required.

(g) It is in the best interest of the City to establish guidelines and procedures for control of the quality of storm drainage runoff from construction sites within the City. (Prior code Sec. 7280; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.020 Purpose.

The purpose of this Chapter is to permanently modify the structural causes of urban runoff pollution. The objectives of this Chapter include the reduction of both runoff volume and runoff contamination from existing residential and nonresidential properties and from future developments. This Chapter has two main

goals. First, it aims to ensure that project sites maximize on-site percolation of runoff and/or have the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains. Second, this Chapter aims to ensure that rain water is directed or contained so as not to become polluted by passage through contaminating material. (Prior code Sec. 7281; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.030 Definitions.

The following words and phrases shall have the following meanings when used in this Chapter:

- (a) Area Susceptible to Runoff. Any nonpermeable surface directly exposed to precipitation or in the path of runoff caused by precipitation which leads directly to neighboring properties or to the street.
- (b) Best Management Practices ("BMP"). Practices principally applicable to construction sites, parking lots and new developments which reduce the toxicity contained in, and the volume of, water which runs into storm drains, treatment facilities and the Santa Monica Bay.
- (c) Good Housekeeping Requirements ("GHR"). Storm water pollution control practices applicable to existing properties which have been demonstrated to significantly reduce and control storm water urban runoff pollution which runs into storm drains, treatment facilities and the Santa Monica Bay.
- (d) New Development. For purposes of this Chapter, new development shall be defined as an increase of fifty percent or greater in the size of a single-family home, addition of one or more dwelling units in a multifamily structure, or improvements to a nonresidential property which are valued at fifty percent or more of the value of the existing improvements on the site.
- (e) Projected Runoff. A numerical projection based on the following formula:

Precipitation multiplied by parcel
size multiplied by imperviousness factor

Precipitation shall be presumed in all cases to be one inch of rainfall falling within a twenty-four-hour period. Parcel size shall be the total square footage of the lot being developed. An imperviousness factor represents the amount of average storm water drainage from the average of all parcels zoned for a particular land use. This numerical projection shall be used as a starting point in measuring compliance with the twenty percent urban runoff reduction required by this Chapter.

Table 7.10.030 contains imperviousness factors for different land use types. This table is derived from a more extensive list of imperviousness factors utilized by the Los Angeles County Department of Public Works -- Stormwater Management Division, for benefit assessment districts for flood control.

Table 7.10.030

Land Use	Area Breakdown	Imperviousness Factor
Residential		
Single	Up to 0.3257 acre	0.4176
	Area in excess of 0.3257 acre	0.0190
Condominium, condominium conversion	Up to 0.3257 acre	0.8194
	Area in excess of 0.3257 acre	0.0190
Planned residential development	Up to 0.3257 acre	0.4176
	Area in excess of 0.3257 acre	0.0190

Cooperative	Up to 0.3257 acre	0.8194
	Area in excess of 0.3257 acre	0.0190
Double, duplex or two-unit	Up to 0.6514 acre	0.4176
	Area in excess of 0.6514 acre	0.0190
Three-unit (any combination)	Up to 0.9771 acre	0.6815
	Area in excess of 0.9771 acre	0.0190
Four-unit (any combination)	Up to 1.3028 acre	0.8194
	Area in excess of 1.3028 acre	0.0190
Five or more units or apartments	All lot areas	0.8553
Modular homes	Up to 0.3257 acre	0.4176
	Area in excess of 0.3257 acre	0.0190
Mobilehomes	Up to 0.3257 acre	0.4176
	Area in excess of 0.3257 acre	0.0190
Rooming houses	All lot areas	0.6815
Mobilehome parks	All lot areas	0.8194
Commercial		
Stores	All lot areas	0.9086
Store combinations	All lot areas	0.9086
Department stores	All lot areas	0.9850
Supermarkets	All lot areas	0.9762
Shopping centers (neighborhood)	All lot areas	0.9578
Shopping centers (regional)	All lot areas	0.9461
Office buildings	All lot areas	0.9086
Hotels and motels	All lot areas	0.9578
Professional buildings	All lot areas	0.9578
Restaurants and cocktail lounges	All lot areas	0.9461
Wholesale and mfg outlets	All lot areas	0.9086
Banks and savings & loans	All lot areas	0.9578
Service shops	All lot areas	0.9461

Service stations	All lot areas	0.9578
Auto, recreation & construction equipment sales and service	All lot areas	0.9461
Parking lots	All lot areas	0.9461
Animal kennels	All lot areas	0.9578
Nurseries or greenhouses	Up to 0.4136 acre Area in excess of 0.4136 acre	0.4733 0.0190
	Industrial	
Light mfg	All lot areas	0.9086
Heavy mfg	All lot areas	0.9086
Warehousing distribution and storage	All lot areas	0.9086
Food processing plants	All lot areas	0.9578
Motion picture & radio/TV industries	All lot areas	0.8194
Lumber yards	All lot areas	0.9578
Mineral processing	All lot areas	0.4733
Parking lots	All lot areas	0.9086
Open storage	All lot areas	0.6551
	Recreation and Entertainment	
Theaters	All lot areas	0.9086
Bowling alleys	All lot areas	0.9850
Clubs, lodge halls, fraternal organizations	All lot areas	0.9086
Athletic and amusement facilities	All lot areas	0.6551
Skating rinks	All lot areas	0.4733
	Institutional	
Churches	All lot areas	0.8194
Schools	All lot areas	0.8194
Colleges and universities	All lot areas	0.4733
Hospitals	All lot areas	0.7435

Homes for aged and others	All lot areas	0.6815
Cemeteries	All lot areas	0.0000
Vacant	All lot areas	0.0190

(f) Reduced Runoff. A numerical projection based on the following formula:

Projected runoff
multiplied by .80

This projection represents the maximum amount of storm water drainage expected to occur at a particular site upon implementation of an approved Urban Runoff Mitigation Plan.

(g) Urban Runoff or Urban Runoff Pollution. Water and suspended or dissolved materials deposited on surfaces and washed by storms or other sources of flowing water, through the flood control system to the ocean. Research studies have shown that urban runoff contributes many pollutants to receiving waters. Contamination includes bacteria and viruses, solid waste, and toxics such as heavy metals and petroleum-based compounds.

(h) Urban Runoff Mitigation Plan. A plan which shall be required to be approved in connection with any new development. Any such plan shall achieve twenty percent reduction of the projected runoff for the site. (Prior code Sec. 7282; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.040 Good housekeeping requirements for reduction of urban runoff at existing properties.

The following good housekeeping requirements shall be adhered to by all persons within the City of Santa Monica.

(a) Collection, Storage and Minimization of Runoff.

(1) Water used for irrigation purposes shall not be allowed to run off of a site. In addition, washing down of paved areas shall be prohibited unless necessary for health or safety purposes and not in violation of any other provision of this Code.

(2) The uncovered outdoor storage of unsealed containers of building materials containing hazardous substances is prohibited in areas susceptible to runoff.

(b) Maintenance of Equipment.

(1) Objects such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

(2) Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

(3) Machinery and equipment, including motor vehicles, which are leaking significant amounts of oil or fluid must be repaired.

(c) Removal of Debris and Residue.

(1) All parking lots susceptible to runoff used for motor vehicle parking shall be swept, at minimum, on a monthly basis to remove debris. Lots with more than ten parking spaces and all public parking facilities shall be vacuum swept, at minimum, on a quarterly basis, to remove chemical residue. However, lots are not required to be vacuum swept for one month following a day when precipitation of one-half inch or more occurs.

(2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to runoff, shall be removed immediately and disposed of properly. Household hazardous waste may be disposed of at the City's household hazardous waste collection facility or at any other appropriate disposal site and shall not be placed in a trash container.

(3) Intentional disposal of landscape debris into a storm drain is prohibited. Section 5.20.040 of the Santa Monica Municipal Code prohibits discharge of other types of pollutants into the storm drain.

(d) Prohibition on Use of Pesticides and Fungicides Banned from Manufacture. Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, is prohibited. Those substances include any contained on the list below:

Banned Substances

Aldrin
BHC
Biothional
Captafol
Carbon Tetrachloride
Chloranil
Chlordane
Chlordimeform
Copper Arsenate (Basic)
Cyhexatin
DBCP
DDD (TDE)
DDT
Dieldrin
Dinoseb
EDBC's
Zineb, Wabam
Endrin
EPN
Fluoroacetamide
Heptachlor
Monocrotophos
OMPA
Phenarazine Chloride
PCB's
PCT's
Safrole
Silvex/ 2, 4, 5T
Sodium Monofluoroacetate
Strobane
2, 4, 5TCP and its salts
Thallium Sulfate
TOK
Toxaphene
TBT
Lead Arsenate
Calcium Arsenate
Pentachlorophenal
Creosote

(Prior code Sec. 7283; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.050 Penalties for failure to comply with good housekeeping requirements.

(a) The Director of the Department of General Services, or his or her designee, is authorized to enforce Section 7.10.040 as follows:

(1) For the first failure to comply with any provision of Section 7.10.040, the Department of General Services shall issue to the affected person a written notice which includes the following information:

(i) A statement specifying the violation committed;

(ii) A specified time period within which the affected person must correct the failure or file a written notice disputing the notice of failure to comply;

(iii) A statement of the penalty for continued noncompliance.

(2) For each subsequent failure to comply with any provision of Section 7.10.040 following written notice pursuant to this Section, the Director of the Department of General Services may levy a penalty of one hundred dollars. Any statement informing a violator of a citation shall include a notice setting forth the hearing rights provided in subsection (a)(3) below.

(3) Any person assessed a penalty pursuant to subsection (a)(2) may dispute the penalty by requesting a hearing on a form provided by the City within the time and manner set forth in Section 6.16.030, provided that no hearing request shall be deemed timely filed and no hearing shall be held unless, within the time period to request a hearing, the person deposits with the City Treasurer money in the amount of any unpaid penalty due under this Section. If as a result of the hearing it is determined that the penalty was wrongly assessed, the City shall refund any money deposited to the person. The decision of the Hearing Examiner shall be final except for judicial review and shall not be appealable to the City Council.

(4) It shall not be a defense to the assessment of any penalty or to any other civil enforcement action provided for under this Section for a person to assert that any violation of Section 7.10.040 was caused by the actions of a person other than the person assessed except if the violation was caused by the criminal or negligent action of a person who was not an agent, servant, employee or family member of the person.

(5) Any penalty collected hereunder shall be deposited in the Urban Runoff Fund to be used as reimbursement for the Department of General Services' costs and expenses of administration and enforcement of this Chapter.

(b) The violation of this Chapter shall constitute an infraction punishable by a fine of one hundred dollars. Each day that a violation occurs shall constitute a separate offense.

(c) A violation of any provision of this Chapter is declared to be a public nuisance and the City Attorney is authorized to abate such violation(s) by means of a civil action.

(d) The penalties and remedies established by this Chapter shall be cumulative. (Prior code Sec. 7284; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.060 Urban runoff reduction requirements for new development.

The following urban runoff reduction requirements shall apply to all persons submitting applications for new development within the City of Santa Monica.

(a) At the time of submittal of an application for the first planning approval for a new development project, an applicant shall be required to submit an Urban Runoff Mitigation Plan to the Department of General Services.

(b) In developing an Urban Runoff Mitigation Plan, a developer shall reduce projected runoff for a project by at least twenty percent through incorporation of design elements or principles which address each of the goals set forth below as subdivisions (1), (2) and (3) of this subsection. The design elements utilized by a developer may, but are not required to, include those provided on the list below, with the exception of subsection (b)(3)(i) which is required where applicable. Although design elements are set forth as if they

address only one goal, in many cases they address more than one and can be used to address multiple goals in achieving the reduced runoff to be achieved by the mitigation plan:

(1) Increase permeable areas:

- (i) Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground. The use of porous materials for or near walkways will increase the amount of runoff seepage into the ground,
- (ii) Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off-site flows,
- (iii) Divert and catch runoff through the use of swales, berms, green strip filters, gravel beds and french drains,
- (iv) Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground;

(2) Minimize the amount of runoff directed to impermeable areas and/or maximize storm water storage for reuse:

- (i) Install rain gutters and orient them towards permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off-site,
- (ii) Modify grades of property to divert flow to permeable areas and to minimize the amount of storm water leaving the property,
- (iii) Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal,
- (iv) Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse,
- (v) Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas;

(3) Reduce parking lot pollution:

- (i) All parking lots are required to have the capability to contain one inch of precipitation in a twenty-four-hour period. Options to meet this requirement include use of green strip filters and porous pavement to capture and percolate runoff where possible, and use of oil and water separators or clarifiers to remove petroleum-based contaminants and other pollutants which are likely to accumulate,
- (ii) Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots,
- (iii) Construct parking lots from porous materials.

(c) The City's evaluation of each Urban Runoff Mitigation Plan will ascertain how well the proposed plan meets the combined objectives set forth in subsection (b) above. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

(d) The Director of the Department of General Services shall approve or disapprove the plan within fourteen calendar days of submittal. If the plan is disapproved, the reasons for disapproval shall be given in writing to the developer. Any plan disapproved by the Director of General Services or his or her designee must be revised by the developer and resubmitted for approval. A resubmitted plan will be approved or disapproved within fourteen calendar days of submittal. No building permit shall be issued until an Urban Runoff Mitigation Plan has been approved by the Department of General Services.

(e) Full or partial waivers of compliance with this Section may be obtained by persons who apply on forms supplied by the City and show that incorporation of design elements that address the objectives set forth in subsection (b) above is an economic and physical impossibility due to the particular configuration of the site or to irreconcilable conflicts with other City requirements. Requests for waivers shall be granted or denied, in writing, by a three-member board comprised of one representative each from the City's Planning Division, General Services Department, and City Manager's Office.

(f) Compliance with an approved Urban Runoff Mitigation Plan shall be a condition of any required planning approval. (Prior code Sec. 7285; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.070 Urban runoff requirements for projects under construction.

The following Best Management Practices which address the problem of urban runoff shall apply to all projects undergoing construction in the City. The Best Management Practices list set forth below is required by the City. The requirements set forth below shall apply at the time of demolition of an existing structure or commencement of construction and until receipt of a certificate of occupancy:

- (a) Runoff, sediment and construction waste from construction sites and parking areas shall not leave the site;
- (b) Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the Building Official or his or her designated representative, a temporary sediment barrier shall be installed;
- (c) On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff;
- (d) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Soil piles shall be covered until the soil is either used or removed;
- (e) No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site;
- (f) Drainage controls shall be utilized as needed, depending on the extent of proposed grading and topography of the site, including but not limited to the following:
 - (1) Detention ponds, sediment ponds, or infiltration pits,
 - (2) Dikes, filter berms or ditches,
 - (3) Downdrains, chutes or flumes. (Prior code Sec. 7286; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.080 Citywide urban runoff pollution education program.

The Department of General Services, along with other City Departments, shall conduct an informational program to educate the public about the dangers of urban runoff pollution and the means of controlling such pollution. The program shall educate residents and business persons who operate within the City about the contents of this Chapter prior to its effective date. (Prior code Sec. 7287; added by Ord. No. 1642CCS, adopted 9/8/92)

7.10.090 Annual evaluation and revision of good housekeeping requirements, best management practices and construction requirements.

In recognition of the newness of regulation in the area of urban runoff pollution, the effectiveness of this Chapter shall be evaluated in writing by the General Services Department not later than one year from the effective date, and no less frequently than once every two years thereafter. The written evaluation should address the necessity for revisions of the process established by this Chapter for achieving urban runoff reduction and the necessity for revisions to good housekeeping requirements, best management practices and construction requirements, if any. (Prior code Sec. 7288; added by Ord. No. 1642CCS, adopted 9/8/92)